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EASTERN DISTRICT OF TEXAS

EVERETT P. CRAWFORD,	§	
Plaintiff,	8 8	
versus	§ CIVIL ACTION NO. 1	:08-CV-604
TONYA SHARP, et al.,	§ §	
Defendants.	§ §	

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Everett P. Crawford, an inmate confined at the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends that the defendants' motion for summary judgment be granted. Additionally, the Magistrate Judge recommends that the exercise of supplemental jurisdiction be declined.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.¹ This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Plaintiff's objections are without merit.

Plaintiff did not exhaust available administrative remedies with respect to each defendant and all claims brought in this action because the grievances submitted were insufficient to fairly alert

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Plaintiff's objections were not docketed before the original final judgment was entered in this action. Accordingly, the action was reinstated on the court's active docket so Plaintiff's objections could be considered.

prison officials to the conduct that forms the basis of all of the claims asserted. *See Johnson v. Johnson*, 385 F.3d 305, 516-17 (5th Cir. 2004). Further, with respect to any exhausted claim, plaintiff has failed to show the defendants acted with deliberate indifference to his serious medical needs. As the magistrate judge found, the competent summary judgment evidence shows that Plaintiff was examined by medical personnel and provided the treatment deemed necessary in light of their determination.²

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 31st day of January, 2012.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE

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Complaints and other submissions to the court that are not made under the penalty of perjury are not considered competent summary-judgment evidence. *Nissho-Iwai Am. Corp. v. Kline*, 845 F.2d 1300, 1306 (5th Cir. 1988).